

Applicants traverse the present restriction requirement based on the following remarks.

Paramount to issuing a restriction requirement, the Manual of Patent Examining Procedure ("MPEP") describes the criteria for restriction as follows:

(A) The inventions must be independent or distinct as claimed; and

(B) There must be a serious burden on the examiner if restriction is required.

MPEP § 803 (7th ed. 1998) (citations omitted). Furthermore, the MPEP requires that "Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the requirement in most cases." MPEP § 803 (7th ed. 1998). Indeed, an Examiner must clearly provide reasons and/or examples to support how the Groups define inventions that are independent or distinct, and further to show how there is a serious burden on the Examiner. The present Office Action provides some reasoning as to how Groups I and II define inventions that are independent or distinct, but provides no reasoning or examples to show how there is a serious burden on the Examiner. Since the inventions of Group II are related to the invention of Group I, Applicants submit that there is no serious burden on the Examiner. Furthermore, if the invention of Group I is patentable, then the inventions of Group II should similarly be patentable since they are related to the invention of Group I.

Based on the above remarks, reconsideration and withdrawal of the restriction requirement is respectfully requested. If, upon reconsideration, this restriction requirement is made final, Applicants respectfully request the next Office Action contain Form Paragraph 8.05 as suggested in MPEP § 821.01 (7th ed. 1998), to show that Applicants have traversed the requirement and have retained the right to petition from the requirement under 37 C.F.R. § 1.144.

CONCLUSION

In view of the foregoing remarks, reconsideration of the application, withdrawal of the restriction requirement, and allowance of all claims are respectfully requested.

Respectfully submitted,

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